



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219 2000

**Charles A. Kilpatrick, P.E.**  
Commissioner

July 14, 2016

Ms. Bettina Sullivan  
Program Manager  
Environmental Impact Review and Long Range Priorities Program  
Division of Environmental Enhancement  
Virginia Department of Environmental Quality  
629 East Main Street  
Richmond, Virginia 23218

**RE: Coastal Zone Management Act (CZMA) Consistency Certification Request**  
Route 460 Project Southeast Virginia  
Southampton County, Isle of Wight County, and City of Suffolk, Virginia

Dear Ms. Sullivan,

The Virginia Department of Transportation (VDOT) hereby requests that the Virginia Department of Environmental Quality (DEQ) grant a Virginia Coastal Resources Management Program (CRP) Consistency Certification for Joint Permit Application (JPA) Number 15-1582.

This letter provides the Commonwealth of Virginia with VDOT's Consistency Certification, with supporting data and information necessary under Coastal Zone Management Act (CZMA) Section 307(c)(3)(A) and its implementing federal consistency regulations 15 CFR §930, subpart D, for the proposed Project.

***Project Description:***

The purpose of the Route 460 Project Southeast Virginia (the Project) is to construct a facility that is consistent with the functional classification of the corridor, sufficiently addresses safety, mobility and evacuation needs, and accommodates freight traffic along the Route 460 corridor between Petersburg and Suffolk, Virginia. See the Joint Permit Application (JPA) for the location map of the proposed Project. The Project improvements, from west to east, involve:

- from approximately one mile west of Zuni to two miles west of Windsor (approximately 4 miles), the proposed Project would reconstruct and upgrade existing Route 460 to a four-lane divided highway;
- from approximately two miles west of Windsor to the Route 460/Route 58 interchange in Suffolk (approximately 12 miles), the proposed Project would include construction of a

new four-lane divided highway that would run north around Windsor, then east of Windsor running south of the existing Route 460.

The proposed improvements will include construction of stormwater management infrastructure, pipes for stream conveyance including new pipes under new highway, extension of existing pipes under existing Route 460, replacement (where necessary) of existing pipes under existing Route 460, and four bridge crossings spanning wetlands and streams.

The proposed Project will result in 39.77 acres of permanent impacts (i.e., cut/fill, permanent right of way clearing, bridge conversion, and secondary impacts) to vegetated wetlands, including 32.39 acres of palustrine forested (PFO) wetlands, 1.91 acres of palustrine shrub scrub (PSS) wetlands, and 5.48 acres of palustrine emergent (PEM) wetlands. In addition, the proposed Project will result in 1.31 acres of temporary impacts to PEM wetlands. Permanent and temporary wetland impacts associated with the Project are summarized in **Table 1** that follows. The Project also will result in permanent impacts to 6,874 linear feet and temporary impacts to 1,225 linear feet of stream, as summarized in **Table 2**.

**Table 1. Wetland Impact Summary**

| Impact Type                    | Impacts by Wetland Classification (Ac) |             |             | Total Wetland Impacts (Ac) |
|--------------------------------|----------------------------------------|-------------|-------------|----------------------------|
|                                | PFO                                    | PSS         | PEM         |                            |
| Cut/Fill                       | 22.93                                  | 1.35        | 5.47        | 29.75                      |
| Permanent ROW Clearing         | 5.26                                   | 0.503       | 0.00        | 5.76                       |
| Bridge Conversion              | 4.002                                  | 0.00        | 0.00        | 4.00                       |
| Secondary                      | 0.202                                  | 0.055       | 0.003       | 0.26                       |
| <b>Total Permanent Impacts</b> | <b>32.39</b>                           | <b>1.91</b> | <b>5.48</b> | <b>39.77</b>               |
| <b>Total Temporary Impacts</b> | <b>0.00</b>                            | <b>0.00</b> | <b>1.31</b> | <b>1.31</b>                |

**Table 2. Stream Impact Summary**

| Impact Type             | Impacts by Stream Classification (LF) |       |       | Total Stream Impacts (Ac) |
|-------------------------|---------------------------------------|-------|-------|---------------------------|
|                         | R2/R3                                 | R4    | R6/RE |                           |
| Total Permanent Impacts | 5,027                                 | 1,453 | 394   | 6,874                     |
| Total Temporary Impacts | 973                                   | 206   | 46    | 1,225                     |

*Note: R2/R3 = Perennial stream; R4 = intermittent stream; and R6/RE = ephemeral stream*

The Project also will result in permanent impacts to 9,339 linear feet of jurisdictional ditch and approximately 3.9 acres palustrine open water (POW). Temporary impacts to other waters of the U.S. include 1,763 linear feet of jurisdictional ditch and 0.12 acres of POW.

All Project impacts are depicted in the permit plates included in Section 7.0 of the JPA. We will send a follow-up message with the FTP link to the Project Sharepoint site for accessing the JPA.

VDOT will compensate for wetland impacts at a 2:1 ratio for PFO, 1.5:1 ratio for PSS and 1:1 ratio for PEM wetlands and losses to identified high functioning wetlands resulting from the Project, with 45.7 previously-purchased mitigation bank wetland credits, restoration of approximately 20.99 acres of degraded historically high functioning wetlands, and preservation of 164.5 acres (including 100 acres of mature bald cypress/tupelo wetlands) of land adjacent to the Virginia Department of Conservation and Recreation (DCR) Natural Heritage (NH) Program's Antioch Pines Natural Area Preserve and identified by DCR-DNH as having significant ecological value.

Compensation for stream impacts will be achieved through the purchase of 2,354 stream credits from approved mitigation banks in the Blackwater River sub-basin and through the purchase of a combination of 6,519 stream credits from mitigation banks and "advance credits" from the Virginia Aquatic Resources Trust Fund (VARTF) for impacts in the Hampton Roads sub-basin, for a total purchase of 8,873 stream credits. **Table 3** summarizes the stream credits that are currently available or that will be available prior to the anticipated construction start date for the Project (June 2019).

**Table 3. Available Stream Credits by Watershed**

| <b>Bank</b>                                            | <b>Stream Credits by Watershed</b>         |                                         | <b>Date Available</b> |
|--------------------------------------------------------|--------------------------------------------|-----------------------------------------|-----------------------|
|                                                        | <b>Blackwater River<br/>(HUC 03010202)</b> | <b>Hampton Roads<br/>(HUC 02080208)</b> |                       |
| Cheroenhaka                                            | 8,452                                      | N/A                                     | Current               |
| Eastern Henrico                                        | N/A                                        | 543                                     | Current               |
| Reedy Creek                                            | 12,620                                     | N/A                                     | Current               |
| Varina Stream Mitigation Bank                          | N/A                                        | 266                                     | Current               |
| VARTF Advanced Credits                                 | N/A                                        | 7600                                    | Current               |
| Varina Stream Mitigation Bank                          | N/A                                        | 1150                                    | Spring 2016           |
| Sunken Meadow<br>(addendum to Varina Mitigation Bank)  | N/A                                        | 16000                                   | Spring 2017           |
| Lower James Stream<br>Mitigation Bank                  | N/A                                        | 9000                                    | Fall 2016             |
| Bailey Mitigation Bank                                 | N/A                                        | 2077                                    | Dec. 2016             |
| Bailey Mitigation Bank                                 | N/A                                        | 601                                     | Dec. 2017             |
| Bailey Mitigation Bank                                 | N/A                                        | 601                                     | Dec. 2018             |
| <b>Total Credits Available<br/>(updated 2/11/2016)</b> | <b>21,072</b>                              | <b>8409</b>                             | <b>--</b>             |
| <b>Additional Credits Available by 6/2019</b>          | <b>N/A</b>                                 | <b>29429</b>                            | <b>---</b>            |

VDOT submitted a JPA for authorization of the project impacts on November 2, 2015. VDOT is seeking an Individual Permit from the U.S. Army Corps of Engineers (USACE), an Individual Virginia Water Protection Permit (VWPP) from DEQ, and a Standard Permit from the Virginia Marine Resources Commission (VMRC). USACE issued a public notice on November 30, 2015 and VMRC issued a public notice on December 1, 2015. DEQ provided a draft VWPP on June 23, 2016. Previous agency coordination that has been conducted regarding the proposed Project is summarized in **Table 4** below.

**Table 4. Previous coordination for Route 460 Project**

| Agency                    | Activity                                       | Action Taken                                                                                                       | Date of Action                                                          |
|---------------------------|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| DEQ                       | Joint Permit Application                       | Additional information submitted to support JPA                                                                    | December 17, 2015                                                       |
| USACE, DEQ, VMRC          | Joint Permit Application                       | Additional information submitted to support JPA                                                                    | November 18, 19, 23, 2015                                               |
| USACE, DEQ, VMRC          | Joint Permit Application                       | JPA submitted                                                                                                      | November 2, 2015                                                        |
| USACE                     | Jurisdictional Determination                   | JD field visits                                                                                                    | May 11, 13, 14, 20, 21, June 3, 4, 5, 10, 11, 17, 18, July 16, 22, 2015 |
| EPA, VMRC, DEQ, DGIF, DCR | Threatened and Endangered Species Coordination | Coordination meeting                                                                                               | April 1, 2015                                                           |
| DGIF, USACE, DEQ, EPA     | Threatened and Endangered Species Coordination | Field review of habitat and sampling sites for barking tree frog, Mabee's salamander, and eastern tiger salamander | April 23, 2015                                                          |
| USACE, EPA, DEQ           | Avoidance and Minimization                     | Avoidance and Minimization Field Visits                                                                            | May 20 and 21, 2015                                                     |
| USACE, EPA, DEQ           | Avoidance and Minimization                     | Avoidance and Minimization Workshop                                                                                | August 4, 2015                                                          |
| USACE, EPA, DEQ           | Functional Assessment                          | Functional Assessment workshop                                                                                     | August 18, 19, 20, 2015                                                 |
| USACE, FHWA               | Section 404/401 coordination                   | Pre-application coordination meetings                                                                              | May 6, July 8, 22, August 5, October 7, 2015                            |
| USACE, FHWA, EPA          | Section 404/401 coordination                   | Pre-application coordination meetings                                                                              | April 8, 23, May 13, 22, June 10, July 1, 15, September 2, 23, 2015     |
| FHWA, USACE, EPA, DEQ     | Section 404/401 coordination                   | Pre-application coordination meeting                                                                               | August 26, 2015                                                         |
| FHWA                      | Section 404/401 coordination                   | Pre-application coordination meeting                                                                               | May 27, 2015                                                            |
| FHWA, USACE, VMRC, DEQ    | Section 404/401 coordination                   | Section 404/401 permitting kickoff meeting                                                                         | March 11, 2015                                                          |

***Coastal Resources Management Consistency Determination:***

VDOT certifies that the proposed Project complies with the enforceable policies of Virginia's CRP and will be conducted in a manner consistent with the program. The relevant enforceable policies and coordination are as follows:

- 1) *Subaqueous Lands Management* - The Project will cross four VMRC-regulated state-owned bottomlands (subaqueous lands). Of these crossings, three crossings will be bridged and one will include the extension of an existing box culvert. The proposed bridge crossing of the Blackwater River along existing Route 460, west of Windsor, will permanently impact approximately 1.025 acres of PFO wetlands as a result of conversion. Just east of Yellow Hammer Road (Route 645) the proposed culvert extension crossing Burnt Mills Swamp along existing Route 460 will permanently impact approximately 33 linear feet of perennial stream. The proposed bridge crossing of Ennis Pond, just west of Shiloh Drive (Route 603), will permanently impact approximately 0.984 acres of PFO wetlands as a result of conversion. East of Route 603, the proposed Project will permanently impact approximately 1.322 acres of PFO wetlands as a result of conversion.

The bridge crossings will be constructed such that all equipment will be staged from an upland location, resulting in no additional impacts to wetlands, streams or rivers from temporary fill. No temporary causeways or cofferdams will be used. VDOT is seeking a VMRC Standard Permit for impacts to state-owned bottomlands due to the requirement of an Individual Permit from the Corps of Engineers.

- 2) *Wetlands Management* - No tidal wetlands will be impacted by the project; however, the Project will impact non-tidal wetlands and streams. A Section 401/404 kick-off meeting with the VMRC and the DEQ took place on March 11, 2015 and a coordination meeting was held with the VMRC on April 1, 2015. Field visits for the purpose of determining best avoidance and minimization strategies were held with the DEQ on April 23 and May 20 and 21, 2015. On August 4, 2015 an avoidance and minimization workshop was conducted with the DEQ. A functional assessment workshop in collaboration with the DEQ took place on August 18, 19 and 20, 2015. On August 26, 2015 a pre-application coordination meeting with the DEQ was held. On November 2, the JPA was submitted to the VMRC, with additional information submitted November 18 through November 23. Although, to the extent practicable, the Project has been developed to avoid and minimize wetland and stream impacts, the Project will impact 39.77 acres of vegetated wetlands and 6,874 linear feet of stream. VDOT will compensate for wetland impacts and losses to identified high functioning wetlands resulting from the Project as noted on Page 3. A Standard Permit is required from VMRC due to the requirement of an Individual Permit from the Corps of Engineers. An Individual VWPP from DEQ is required, and a draft permit was issued on June 23, 2016.
- 3) *Non-point Source Pollution Control* - VDOT will implement erosion and sediment (E&S) control practices in accordance with its approved E&S standards and specifications. VDOT

will also submit a registration statement for a Virginia Stormwater Management Program General Permit for Construction Activities and develop an associated Stormwater Pollution Prevention Plan, as appropriate. VDOT will submit a registration statement for a Virginia Stormwater Management Program General Permit for Construction Activities.

- 4) Point Source Pollution Control - Approximately 507 acres of land will be disturbed as a result of the Project. VDOT will submit a registration statement for a Virginia Stormwater Management Program General Permit for Construction Activities. VDOT applied for and is awaiting a draft VWP Individual Permit.
- 5) Air Pollution Control - The air quality analysis conducted for the Final Supplemental Environmental Impact Statement for the Project indicates that the Project is not expected to cause or contribute to a new violation of any NAAQS, increase the frequency or severity of any violation, or delay timely attainment of any NAAQS.

The results of the carbon monoxide (CO) hot-spot analysis show that the maximum anticipated CO concentrations will fall well below the CO national ambient air quality standards (NAAQS) for the FHWA/VDOT Preferred Alternative in all analysis years, and therefore the Project is not expected to cause or contribute to a violation of the CO NAAQS. In addition, the Project lies in an area designated as attainment for all the NAAQS, therefore transportation conformity requirements do not currently apply.

There could be increases in mobile source air toxic (MSAT) pollutant levels in a few localized areas where vehicle miles traveled (VMT) increases. However, the Environmental Protection Agency's (EPA) vehicle and fuel regulations are expected to result in significantly lower MSAT levels in the future than exist today due to cleaner engine standards coupled with fleet turnover. The magnitude of the EPA-projected reductions is so great (even after accounting for VMT growth), that MSAT emissions in the study area are likely to be significantly lower in the future than they are today, regardless of whether the FHWA/VDOT Preferred Alternative is constructed.

Route 460 reduces traffic, and therefore potential congestion, elsewhere in the system. The travel model forecast estimated a reduction of 7,810 hours of travel per day, which will reduce vehicle delay and idling. The Project would increase the average travel speed throughout the study area, from 41 miles per hour (mph) in the No Build scenario to 48 mph in the FHWA/VDOT Preferred Alternative. Greenhouse gas (GHG) emissions rates decrease with speed over the range of average speeds encountered in this corridor, although the rates do increase at speeds higher than these average speeds.

Construction activities will be performed in accordance with VDOT's current "Road and Bridge Specifications". The specifications require compliance with all applicable local, state, and federal regulations. All reasonable precautions should be taken to limit the emissions of volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>). In addition, the following DEQ air pollution regulations will be adhered to during the construction: 9 VAC 5-130 et

seq., Open Burning restrictions; 9 VAC 5-45, Article 7 et seq., Cutback Asphalt restrictions; and 9 VAC 5-50, Article 1 et seq., Fugitive Dust precautions.

The following enforceable policies are not relevant to this project:

- 1) Fisheries Management - No finfish or shellfish resources will be impacted by the Project. Essential Fish Habitat (EFH) is defined by the Magnuson-Stevens Fishery Conservation and Management Act, amended in 1996, as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity" (16 U.S.C. 1802 (10)). No EFH is located within the study area. No watercraft operations or painting of watercraft is involved.
- 2) Dunes Management - No primary dunes exist in the Project site.
- 3) Shoreline Sanitation - No septic tanks will be constructed as part of the Project.
- 4) Coastal Lands Management - This public roadway project is exempt from the Chesapeake Bay Preservation Act and the associated Chesapeake Bay Preservation Area Designation and Management Regulations, since it will be constructed in accordance with 1) VDOT's approved E&S standards and specifications; 2) Virginia Stormwater Management Program General Permit for Construction Activities and associated Stormwater Pollution Prevention Plan, as appropriate; and 3) to prevent or minimize encroachment into the Resource Protection Area and impacts to water quality. In addition, VDOT has conducted extensive coordination with USACE, EPA, and DEQ to avoid and minimize impacts to wetlands and streams to the greatest extent practicable.

Based on the information provided herein, VDOT respectfully requests an expedited response with DEQ's findings regarding this Consistency Certification. We thank you in advance for your consideration. If you should have any questions, please do not hesitate to contact Tracey Harmon at 804-371-6834 or [tracey.harmon@vdot.virginia.gov](mailto:tracey.harmon@vdot.virginia.gov) or Caleb Parks at 804-786-2496 or [caleb.parks@vdot.virginia.gov](mailto:caleb.parks@vdot.virginia.gov).

Sincerely,



Steve Begg  
Environmental Division, Natural Resources Section Manager